

L A W   O F F I C E S  
H E R I B E R T O   J .   R O D R I G U E Z ,   P L L C  
A T T O R N E Y S   A T   L A W

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May 21, 2021

**By ECF Only**

Hon. Sarah L. Cave, M.J.  
United States District Court, Southern District of New York  
Daniel Patrick Moynihan Courthouse\  
500 Peral Street, Room 1670 / Courtroom 18A  
New York, NY 10007

RE: Suriel Monte de Oca v. Dela Cruz *et al.*  
United States District Court, Southern District of New York  
Case No.: 1:20cv08442 (VSB)

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Dear Magistrate Judge Cave:

I continue to represent plaintiffs in the above-referenced action. This letter is to request a thirty (30) day adjournment of the dates set forth in the Court's Order, dated April 23, 2021, pertaining to the Court's conduct of an inquest in connection with the prior grant by Judge Broderick of judgment by default due to the failure of any of the served Defendants to appear. There have been no prior requests to adjourn these dates, and insofar as Defendants have neither appeared in this action nor communicated with my office in any manner, I have been unable to find out whether they consent.

This action was commenced on behalf of the named plaintiff, Edilanyi M. Suriel Monte De Oca, ("Ms. Monte de Oca"), as well as a proposed class of all similarly-situated employees of the Zero Lounge Restaurant. Defendants' default eliminated the discovery that I had anticipated would be used to identify other members of the proposed class. Nonetheless, I seek the requested adjournment to obtain necessary information and documentation from two (2) additional former employees of the restaurant whom we have been able to identify. As was the case with Ms. Monte de Oca, these individuals were also employed by Defendants but were required *inter alia* to exclusively rely on tips and work without any regular pay in violation of applicable legal requirements. I have not yet had an opportunity to meet with these two individuals to obtain the necessary specifics and evidentiary proof to submit to the Court.

Currently, the deadline for Plaintiff to submit proposed findings of fact and conclusions of law is May 25. I respectfully request that this deadline be adjourned to June

25, and that the deadline set by the Court for Defendants to potentially respond, currently June 8, be adjourned to July 15 (a little more than 30 days because of the two (2) intervening holidays).

Your Honor's prior Order also required Plaintiffs to serve the Court's scheduling Order and file proof of service on Defendants no later than May 25, 2021. I request that the Court adjourn this date as well and permit Plaintiffs to file proof of service of the original Scheduling Order (4/23/2021), as well as any superseding Order, by mail only to Defendants' last known addresses, by June 25, 2021.

To summarize the new/adjourned deadlines we request:

Deadline To:	Prior Date	Requested New Date
Serve and file proof of service of Scheduling Order by moving Plaintiffs	5/25/2021	6/25/2021
Submit proposed findings of fact and law by moving Plaintiffs	5/25/2021	6/25/2021
Respond to Plaintiffs' proposed findings of fact and law and/or requests in-court hearing by Defendants	6/8/2021	7/15/2021

Should the Court require any additional information, I would be grateful for an opportunity to provide same. In any event, we remain grateful for the Court's consideration of this matter.

Respectfully submitted,



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/WHG

Plaintiff's requested extension (ECF NO. 64) is GRANTED. Plaintiff shall submit its proposed findings of fact and conclusions of law concerning damages, along with proof of service of this Order and the Court's April 23, 2021 Scheduling Order (ECF No. 63), by **June 25, 2021**. Defendants shall submit their response, if any, to Plaintiff's submission by **July 15, 2021**. The terms of the Court's April 23, 2021 Scheduling Order are incorporated by reference.

The Clerk of Court is respectfully directed to close ECF No. 64.

SO ORDERED      5/21/2021



SARAH L. CAVE  
United States Magistrate Judge